

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10360

Willie Green

v.

Carol Meci

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 2/14/2006.


In testimony whereof, I hereunto set my hand and affix the seal of this Court on March 14, 2006.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 3/16/06.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, CASREF

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10360-JLT**

Green v. Meci
Assigned to: Judge Joseph L. Tauro
Referred to: Magistrate Judge Joyce London
Alexander
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)
Date Filed: 02/23/2004
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner

Willie Green

represented by **Philip G. Cormier**
Good & Cormier
3rd Floor
83 Atlantic Ave.
Boston, MA 02110
617-523-5933
Fax: 617-523-7554
Email:
pcormier@goodcormier.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Carol Meci
*Acting Superintendent or Her
Successor, Massachusetts
Correctional Institution at Shirley
Mass.*

represented by **Natalie S Monroe**
Attorney General's Office
One Ashburton Place
Boston, MA 02108
617-727-2200 X 2833
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Susanne G. Reardon
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 02/23/2004 | <u>1</u> | PETITION for writ of habeas corpus pursuant to 28:2254 \$ 5.00, receipt number 54044, filed by Willie Green.(Jenness, Susan) (Entered: 02/26/2004) |
| 02/23/2004 | <u>2</u> | MEMORANDUM OF LAW by Willie Green in support of 28:2254 Habeas Corpus Petition (Jenness, Susan) (Entered: 02/26/2004) |
| 02/23/2004 | <u>3</u> | APPENDIX/EXHIBIT Volume 1 by Willie Green. (Jenness, Susan) (Entered: 02/26/2004) |
| 02/23/2004 | <u>4</u> | APPENDIX/EXHIBIT Volume II by Willie Green. (Jenness, Susan) (Entered: 02/26/2004) |
| 02/23/2004 | <u>5</u> | *NOTE* Documents 2,3 and 4 are not scannable due to being bound (Jenness, Susan) (Entered: 02/26/2004) |
| 02/23/2004 | <u>6</u> | If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Jenness, Susan) (Entered: 03/24/2004) |
| 03/12/2004 | <u>5</u> | Judge Joseph L. Tauro : ORDER entered SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Abaid, Kim) (Entered: 03/12/2004) |
| 03/15/2004 | <u>6</u> | Return receipt received for mail sent to Carol Meci Delivered on 03/13/2004 (Abaid, Kim) (Entered: 03/15/2004) |
| 03/17/2004 | <u>7</u> | Return receipt received for mail sent to Cathryn Neaves Delivered on 03/15/2004 (Abaid, Kim) (Entered: 03/17/2004) |
| 04/01/2004 | <u>7</u> | NOTICE of Appearance by Natalie S Monroe on behalf of Carol Meci (Abaid, Kim) (Entered: 04/12/2004) |

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| 04/01/2004 | <u>8</u> | Assented to MOTION for Extension of Time to May 15, 2004 to File Response/Reply as to <u>1</u> Petition for writ of habeas corpus (28:2254) by Carol Meci.(Abaid, Kim) (Entered: 04/12/2004) |
| 04/02/2004 | <u>6</u> | Judge Joseph L. Tauro : ORDER entered REFERRING CASE to Magistrate Judge Joyce London Alexander Referred for: R & R on the 2254.(Abaid, Kim) (Entered: 04/02/2004) |
| 04/20/2004 | <u>8</u> | Judge Joyce London Alexander : Electronic ORDER entered granting <u>8</u> Motion for Extension of Time to File Response/Reply re <u>8</u> MOTION for Extension of Time to May 15, 2004 to File Response/Reply as to <u>1</u> Petition for writ of habeas corpus (28:2254) Replies due by 5/15/2004. (Brown, Rex) (Entered: 04/26/2004) |
| 05/14/2004 | <u>9</u> | Assented To MOTION for Extension of Time to June 18, 2004 to File Response as to <u>1</u> Petition for writ of habeas corpus (28:2254) by Carol Meci.(Abaid, Kim) (Entered: 05/18/2004) |
| 06/07/2004 | <u>9</u> | Judge Joyce London Alexander : Electronic ORDER entered granting <u>9</u> Motion for Extension of Time to File Response/Reply re <u>9</u> MOTION for Extension of Time to June 18, 2004 to File Response/Reply as to <u>1</u> Petition for writ of habeas corpus (28:2254) Responses due by 6/18/2004 Replies due by 7/2/2004. (Brown, Rex) (Entered: 06/07/2004) |
| 06/18/2004 | <u>10</u> | ANSWER to Petition for a Writ of Habeas Corpus by Carol Meci.(Abaid, Kim) (Entered: 06/21/2004) |
| 06/18/2004 | <u>11</u> | MOTION to Dismiss by Carol Meci.(Abaid, Kim) (Entered: 06/21/2004) |
| 06/18/2004 | <u>12</u> | MEMORANDUM in Support re <u>11</u> MOTION to Dismiss filed by Carol Meci. (Abaid, Kim) (Entered: 06/21/2004) |
| 06/18/2004 | <u>13</u> | SUPPLEMENTAL APPENDIX by Carol Meci. (Abaid, Kim) (Entered: 06/21/2004) |
| 06/29/2004 | <u>14</u> | Assented to MOTION for Extension of Time to July 16, 2004 to File Response/Reply as to <u>11</u> MOTION to Dismiss by Willie Green.(Abaid, Kim) (Entered: 06/30/2004) |
| 07/06/2004 | <u>14</u> | Judge Joseph L. Tauro : Electronic ORDER entered granting <u>14</u> Motion for Extension of Time to File Response/Reply re <u>11</u> MOTION to Dismiss Replies due by 7/16/2004. (Abaid, Kim) (Entered: 07/06/2004) |

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| 07/16/2004 | <u>15</u> | Opposition re <u>11</u> MOTION to Dismiss and request for expedited ruling on respondent's motion filed by Willie Green. (Abaid, Kim) (Entered: 07/19/2004) |
| 08/19/2004 | <u>16</u> | Judge Joyce London Alexander : ORDER entered FINDINGS OF FACT AND CONCLUSIONS OF LAW, REPORT AND RECOMMENDATIONS re <u>12</u> Memorandum in Support of Motion filed by Carol Meci, <u>11</u> MOTION to Dismiss filed by Carol Meci Recommendation: The Court RECOMMENDS that the District Court DENY the Motion to Dismiss Petition for Habeas Corpus. Objections to R&R due by 9/9/2004 (Brown, Rex) (Entered: 08/27/2004) |
| 09/09/2004 | <u>17</u> | Objection by the Respondent to the August 19, 2004 Report and Recommendation. (Monroe, Natalie) (Entered: 09/09/2004) |
| 09/15/2004 | <u>18</u> | Response by Willie Green to <u>17</u> Objection to Magistrate Judge's Report and Recommendation. (Attachments: # <u>1</u>) (Cormier, Philip) (Entered: 09/15/2004) |
| 10/27/2004 | | Judge Joseph L. Tauro : Electronic ORDER entered ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>11</u> Motion to Dismiss filed by Carol Meci, <u>16</u> Findings of Fact & Conclusions of Law,, Report and Recommendations, Action on motion: Motion is DENIED.(Abaid, Kim) (Entered: 10/27/2004) |
| 01/10/2005 | <u>19</u> | MEMORANDUM OF LAW by Willie Green. (Cormier, Philip) (Entered: 01/10/2005) |
| 01/10/2005 | <u>20</u> | Assented to MOTION for Order to Issue Briefing Schedule by Willie Green.(Cormier, Philip) (Entered: 01/10/2005) |
| 02/08/2005 | <u>21</u> | MOTION for Extension of Time to 2/18/05 to File Response/Reply to habeas corpus petition by Carol Meci. (Reardon, Susanne) (Entered: 02/08/2005) |
| 02/18/2005 | <u>22</u> | MEMORANDUM OF LAW by Carol Meci. (Reardon, Susanne) (Entered: 02/18/2005) |
| 02/23/2005 | <u>23</u> | Assented to MOTION for Extension of Time to March 11, 2005 to File Reply Memorandum in Support of His Petition for Writ of Habeas Corpus by Willie Green.(Cormier, Philip) (Entered: 02/23/2005) |
| 03/11/2005 | <u>24</u> | MEMORANDUM OF LAW by Willie Green to <u>22</u> |

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| | | Memorandum of Law. (Cormier, Philip) (Entered: 03/11/2005) |
| 03/28/2005 | <u>25</u> | Letter from Philip G. Cormier. (Abaid, Kim) (Entered: 03/29/2005) |
| 03/31/2005 | <u>26</u> | Judge Joseph L. Tauro : ORDER entered. REFERRING CASE to Magistrate Judge Joyce London Alexander Referred for: Additional Report and Recommendations.(Abaid, Kim) (Entered: 03/31/2005) |
| 04/18/2005 | ● | ELECTRONIC NOTICE of Hearing re Habeas Petition :Hearing set for 6/7/2005 10:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. Counsel for the petitioner shall file with the Court the requisite information regarding the location of Willie Green so that the Court may order the Marshal to produce the prisoner for said hearing. (Brown, Rex) (Entered: 04/18/2005) |
| 04/27/2005 | <u>27</u> | NOTICE by Willie Green of <i>Custody Location</i> (Cormier, Philip) (Entered: 04/27/2005) |
| 06/07/2005 | ● | Clerk's Notes for proceedings held before Judge Joyce London Alexander : Hearing re Hearing on Petition for Habeas Corpus held on 6/7/2005. The petitioner and respondent present oral argument. The Court will take the matter under advisement. (Tape #Digital Recording.) (Brown, Rex) (Entered: 06/07/2005) |
| 07/26/2005 | ● | Judge Joseph L. Tauro : Electronic ORDER entered finding as moot <u>21</u> Motion for Extension of Time to File Response/Reply, finding as moot <u>23</u> Motion for Extension of Time (Abaid, Kim) (Entered: 07/26/2005) |
| 08/02/2005 | ● | Judge Joseph L. Tauro : Electronic ORDER entered <u>20</u> Motion for Proposed Scheduling Order is Allowed as Moot. (Abaid, Kim) (Entered: 08/02/2005) |
| 12/21/2005 | <u>28</u> | Magistrate Judge Joyce London Alexander: ORDER entered. REPORT AND RECOMMENDATIONS re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Willie Green, Recommendation: This Court RECOMMENDS that the District Court DENY the petition for a writ of habeas corpus. Objections to R&R due by 1/6/2006(JLA, int1) (Entered: 12/22/2005) |
| 01/04/2006 | <u>29</u> | Assented-To MOTION for Extension of Time to January 13, 2005 to File Response/Reply as to <u>28</u> REPORT AND |

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| | | RECOMMENDATIONS re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Willie Green.(Abaid, Kim) (Entered: 01/04/2006) |
| 01/04/2006 | <u>30</u> | NOTICE issued to Attorney Philip Cormier regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Abaid, Kim) (Entered: 01/04/2006) |
| 01/05/2006 | | Judge Joseph L. Tauro : Electronic ORDER entered granting <u>29</u> Motion for Extension of Time to File Response/Reply re <u>29</u> MOTION for Extension of Time to January 13, 2005 to File Response/Reply as to <u>28</u> REPORT AND RECOMMENDATIONS re <u>1</u> Petition for writ of habeas corpus. (28:2254) filed by Willie Green, Recommendation: This Court RECOMMENDS that the District Court DENY Responses due by 1/13/2006 (Lovett, Zita) (Entered: 01/05/2006) |
| 01/13/2006 | <u>31</u> | OBJECTION to <u>28</u> Report and Recommendations filed by Willie Green. (Cormier, Philip) (Entered: 01/13/2006) |
| 01/18/2006 | | Judge Joseph L. Tauro : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>28</u> Report and Recommendations, Action on motion: Denying the Petition for Writ of Habeas Corpus.(Abaid, Kim) (Entered: 01/18/2006) |
| 01/18/2006 | <u>32</u> | Judge Joseph L. Tauro : ORDER entered. JUDGMENT in favor of Respondent against Petitioner(Abaid, Kim) (Entered: 01/18/2006) |
| 02/14/2006 | <u>33</u> | NOTICE OF APPEAL by Willie Green. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/6/2006. (Cormier, Philip) (Entered: 02/14/2006) |
| 02/14/2006 | <u>34</u> | MOTION for Certificate of Appealability by Willie Green. (Cormier, Philip) (Entered: 02/14/2006) |
| 02/14/2006 | <u>35</u> | MEMORANDUM in Support re <u>34</u> MOTION for Certificate of Appealability filed by Willie Green. (Cormier, Philip) (Entered: 02/14/2006) |

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| 02/15/2006 | ● | Filing fee: \$ 255.00, receipt number 70366 regarding <u>33</u> Notice of Appeal (Abaid, Kim) (Entered: 02/15/2006) |
| 02/22/2006 | ● | Judge Joseph L. Tauro : Electronic ORDER entered denying <u>34</u> Motion for Certificate of Appealability (Abaid, Kim) (Entered: 02/23/2006) |
| 03/03/2006 | ●36 | TRANSCRIPT of Hearing held on June 7, 2005 before Judge Alexander. Digital Recording: Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508/384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 03/03/2006) |